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FACSIMILE COVER SHEET
OFFICIAL

DATE: November 6, 2006

Our File No. 10975-1C

ADDRESSEE/ Office of Petitions Branch

FAX NO./ 1-571-273-8300

SENDER/ EXPÉDITEUR: NUMÉRO DE TÉLÉCOPIE:
J. Wayne Anderson

FAX NO. / (613) 952-6082

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Canada

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(CFC RECEIVED 8 pages.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant(s): Henryk Borowy-Borowski et al
Serial No: 10/648,371
Filed: 27 August 2003
Title: Water-Soluble Compositions of Bioactive Lipophilic
Compounds
Docket No: 10975-1C
Examiner: Sharmila Gollamudi
Group: 1616
Confirmation No: 3708

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November 6, 2006

To: The Commissioner of Patents
Office of Petitions
P. O. Box 1450
Alexandria, VA 22313-1450, U.S.A.

Sir:

We wish to advise that we never received the Notice of Allowance, mailing date of 6 October 2005. We assume that the application stands abandoned as of 6 January 2006.

We have thoroughly checked our files and our mail log records, we have no record of receiving the Notice of Allowance.

Accordingly, we request that a new Notice of Allowance be sent, including a new time period for reply.

A Petition to withdraw Holding of Abandonment based on Failure to Receive Office Action (Notice of Allowance) is attached.

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In the absence of any indication in the MPEP that a Petition fee is required, no fee is submitted. If this is incorrect, and a fee is required, please deduct it from our Deposit Account 14-0429.

Respectfully submitted,

By:

J. Wayne Anderson
Regn No: 28,158

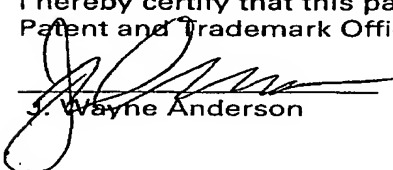
:ch

National Research Council Canada
Tel: (613)993-3899

Enclosure: copies of docket records
copy of file docket (i.e. cover page of our file)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.


J. Wayne Anderson

6 October 2006
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Applicant(s): Henryk Borowy-Borowski et al)
Serial No: 10/648,371)
Filing Date: 27 August 2003)
Examiner: Sharmila S. Gollamudi)
Art Unit: 1616)
Title: Water-Soluble Compositions of)
Bioactive Lipophilic Compounds)
Confirmation No.: 3708)
Docket No: 10975-1C)

**RECEIVED
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NOV 06 2006

November 6, 2006

OFFICIAL

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED
ON FAILURE TO RECEIVE OFFICE ACTION**

To: The Commissioner of Patents
Office of Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

FACTS:

The file record shows that a Notice of Allowance was mailed on 6
October 2005.

The Notice of Allowance includes our correct mailing address.

Our office does not have a history of not receiving Office actions.

The issue fee and publication fee have not been paid.

Accordingly, as of 6 January 2006, the application stands abandoned

All of our incoming mail is recorded in our mail received records.

All Official Actions and their deadlines are recorded on our file cover jacket.

The mail received records for the period of 29 September 2005 to 4 January 2006 ie. covering the three month time period starting from the mailing date of the Notice of Allowance, have been searched and no entry of the receipt of the Notice of Allowance was found.

The file cover jacket has been reviewed and there is no entry indicating logging in of a Notice of Allowance.

According to MPEP 711.03(C), Petitions relating to Abandonment [R-3], section I. A., the showing required to establish non receipt of an Office communication must include a statement from the practitioner stating that the office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and (mail)docket records indicates that the office communication was not received.

STATEMENT/SHOWING

As the practitioner/Patent Agent of record in this application, I hereby state that the office communication, in this case the Notice of Allowance having a date mailed of 6 October 2005, was not received by our office, and further attest to the fact that a personal search of the file jacket and

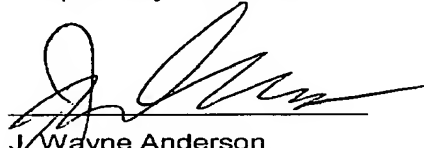
(mail)docket records indicates that the office communication was not received.

Copies of our file jacket and of our relevant mail docket records, where the non-received Office communication, in this case, the Notice of Allowance, would have been entered had it been received and docketed, are enclosed.

Conclusion

Accordingly, following the precedent in *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), and the apparent satisfaction of all of the requirements of the MPEP as noted above, we respectfully request that the Office issue a new Notice of Allowance, including a new time limit for reply.

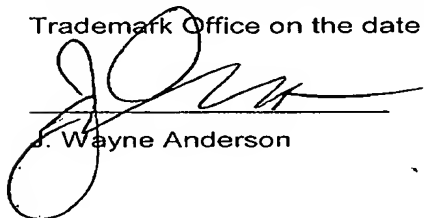
Respectfully submitted,

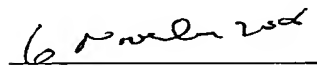

J. Wayne Anderson
Patent Agent for Applicant
Regn No: 28,158

sch
National Research Council of Canada
Tel: 613-993-3899

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J. Wayne Anderson


6 November 2006

38,538		11481-98	Borden ^{UU} Ladner Geruvis	Sept 30
38,539		11543-1	"	Sept 28
38,540		11040-2	CIPO	Sept 27
38,541		10701-99	Freedman & Associate	Sept 29
38,542	Oct 5	11178-1	Freedman & Associates	Sept 28
38,543		11421-99	Hong Kong Patent Agency	Sept 16
38,544		11659-1	USPTO	Sept 22
38,545		11342-1	USPTO	Sept 22
38,546		11301-1	Borden Ladner Geruvis	Sept 30
38,547		11097-1	Ridout & Maybee	"
38,548	Oct 7	11495-98	Patent Cooperation Treaty	Sept 29
38,549		11057-99	Borden Ladner Geruvis	Oct 4
38,550		11738-98	Osler	Oct 4
38,551		11270-14	A. Aoki, Ishida & Associates	Sept 30
38,552		11031-99	MacRae & Co.	Oct 5
38,553		1105-1	USPTO	Sept 27
38,554		11177-14	Smart & Biggar	Oct 4